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SERIES I No. 50

# OFFICIAL GOVERNMENT OF GOA GAZETTE



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## NOTES

There are two Extraordinary issues to the Official Gazette Series I No. 49 dated 6-3-2014 as follows:—

(1) Extraordinary dated 7-3-2014 from pages 1599 to 1600 regarding The Appropriation Act, 2014 — Not. No. 7/1/2014-LA from Department of Law & Judiciary.

(2) Extraordinary (No. 2) dated 11-3-2014 from pages 1601 to 1608 regarding The Appropriation (Vote on Account) Bill, 2014 and The Appropriation (Vote on Account) Act, 2014— Bill No. LA/LEGN/2014/2823 and Not. No. 7/2/2014-LA from Goa Legislature Secretariat and Department of Law & Judiciary respectively.

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**GOVERNMENT OF GOA**  
Goa Legislature Secretariat

**The Goa Fiscal Responsibility and Budget Management  
(First Amendment) Bill, 2014**

LA/LEGN/2014/2806

(Bill No. 4 of 2014)

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th March, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

A

BILL

*to amend the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006).*

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Fiscal Responsibility and Budget Management (First Amendment) Act, 2014.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Substitution of section 5.*— For section 5 of the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006) (hereinafter referred to as the “principal Act”), the following section shall be substituted, namely:—

“5. *Fiscal Management Targets.*— In particular, and without prejudice to the generality of the foregoing provisions, the Government shall,—

(a) reduce the revenue deficit to nil by 31st March, 2015, and adhere to it thereafter;

(b) reduce the ratio of fiscal deficit to Gross State Domestic Product beginning from the financial year 2013-14 and strive to keep/maintain within the norm of 3%;

(c) cap the total outstanding guarantees within the specified limit under the Goa State Guarantees Act, 1993 (Goa Act No. 16 of 1993);

(d) ensure that by 31st March, 2015, the ratio of Debt to Gross State Domestic Product is brought down to 27%, and thereafter bring it below 25%;

(e) undertake appropriate measures in cash management practices so as to avoid recourse to overdraft from the Reserve Bank of India:”

Provided that revenue deficit and fiscal deficit may exceed the limits specified

under this section due to ground or grounds of unforeseen demands on the finances of the Government due to national security or natural calamity subject to the condition that the excess beyond limits arising due to natural calamities does not exceed the actual fiscal cost that can be attributed to the calamities:

Provided further that the ground or grounds specified in the above proviso shall be placed before the Legislative Assembly as soon as may be, after it becomes likely that such deficit amount may exceed the aforesaid limits, with an accompanying report stating the likely extent of excess, and reasons therefore”.

3. *Amendment of section 6.*— In sub-section (2) of section 6 of the principal Act, after clause (b), the following clause shall be inserted namely:—

“(c) the key fiscal indicators including those mentioned in section 5”.

4. *Amendment of section 7.*— In section 7 of the principal Act, sub-section (4) shall be omitted.

#### Statement of Objects and Reasons

The Bill seek to amend sections 5, 6 and 7 of the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006) in view of the recommendations of the 13th Finance Commission in it's Report (2010-2015) which, *inter-alia*, state that,—

(a) States to amend/enact Fiscal Responsibility and Budget Management (FRBM) Acts to build in the fiscal reform path worked out. State specific grants recommended for a State to be released upon compliance.

(b) Benefit of interest relief on National Small Savings Fund (NSSF) and write-off available to States only if they bring about the necessary amendments/enactments of FRBM.

Besides the Bill seeks to bring in adequate level of transparency and measures of

compliance for achieving the overall objects of maintaining fiscal management targets set out in the said Act.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

### Governor's Recommendations under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Fiscal Responsibility and Budget Management (First Amendment) Bill, 2014, by the Legislative Assembly of Goa.

Porvorim-Goa. (MANOHAR PARRIKAR)  
25th February, 2014. Chief Minister

Assembly Hall, (N. B. SUBHEDAR)  
Porvorim-Goa. Secretary to the Legislative  
25th February, 2014. Assembly of Goa.

### ANNEXURE

#### **Extract of sections 5, 6 and 7 of the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act No. 12 of 2006)**

1. *Fiscal Management Targets.*— (1) In particular, and without prejudice to the generality of the foregoing provisions, the Government shall,—

(a) reduce the revenue deficit to nil by 31<sup>st</sup> March, 2009, and adhere to it thereafter;

(b) reduce the ratio of revenue deficit to the total revenue receipt by 1.5% in each of the financial year beginning on 1<sup>st</sup> day of April, 2006,

in a manner consistent with the goal set out in clause (a);

(c) reduce the ratio of fiscal deficit to Gross State Domestic Product beginning from the financial year 2006-2007 with medium term goal of not being more than three per cent of fiscal deficit to Gross State Domestic Product to be attained by 31<sup>st</sup> March, 2009, and adhere to it thereafter;

(d) reduce fiscal deficit by 0.5% of Gross State Domestic Product (GSDP) in each of the financial year beginning on the 1<sup>st</sup> day of April, 2006, in a manner consistent with the goal set out in clause (c);

(e) cap the total outstanding guarantees within the specified limit under the Goa State Guarantees Act, 1993 (Goa Act No. 16 of 1993);

(f) ensure that by 31<sup>st</sup> March, 2009, the total liabilities do not exceed 30% of the Gross State Domestic Product (GSDP) and adhere to it thereafter;

(g) ensure that by 31<sup>st</sup> March, 2009, the ratio of interest payment to total revenue receipt does not exceed 20% and adhere to it thereafter;

(h) undertake appropriate measures in cash management practices so as to avoid recourse to overdraft from the Reserve Bank of India:

Provided that revenue deficit and fiscal deficit may exceed the limits specified under this section due to ground or grounds of unforeseen demands on the finances of the Government due to national security or natural calamity subject to the condition that the excess beyond limits arising due to natural calamities does not exceed the actual fiscal cost that can be attributed to the calamities:

Provided further that the ground or grounds specified in the above proviso shall be placed before the Legislative Assembly as soon as may be, after it becomes likely that such deficit amount may exceed the aforesaid limits, with an accompanying report stating the likely extent of excess, and reasons therefore.

2. *Measures for Fiscal Transparency.*— (1) The Government shall take suitable measures to ensure greater transparency in its fiscal operations, in public interest, in the preparation of the Budget:

Provided that the Government shall have the power to reserve any such information which would adversely affect the interest of the State Exchequer.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Government shall, at the time of presentation of the Budget, disclose in a statement in the form as may be prescribed,—

(a) the significant changes in the accounting standards, policies and practices affecting or likely to affect the computation of prescribed fiscal indicators;

(b) as far as practicable and consistent with protection of public interest, the contingent liabilities created by way of guarantees.

3. *Measures to enforce compliance.*— (1) The Budget and policies announced at the time of the budget, shall be consistent with objectives and targets specified in the Medium Term Fiscal Plan for the coming and future years.

(2) The Minister-in-charge of the Department of Finance shall review every half-year, the trends in receipts and expenditure in relation to the budget remedial measures to be taken to achieve the budget targets and place before the Legislative Assembly the outcome of such reviews. The review report should be in such form as may be prescribed.

(3) While placing before the Legislative Assembly the outcome of such review, the Minister-in-charge of the Department of Finance shall make a statement explaining,—

(a) any deviation in meeting the obligations cast on the Government under the Act;

(b) whether such deviation is substantial and relates to the actual or the potential budgetary outcomes; and

(c) the remedial measures the Government proposes to take.

(4) Whenever outstanding risk weighted guarantees exceed the limits specified in section 5, no fresh guarantee shall be given.

(5) Any measure proposed in the course of the financial year, which may lead to an increase in revenue deficit, either through enhanced

expenditure or loss of revenue, shall be accompanied by remedial measures, which will neutralize such increase or loss and such measures shall be clearly mentioned.

(6) In case the revenue deficit and fiscal deficit exceed in the case of unforeseen demands on the finances of the Government, the Government shall identify the net fiscal cost arising due to natural calamity and such cost would provide ceiling for extent of non-compliance to the specified limits.

(7) Whenever supplementary estimates are presented to the Legislative Assembly, the Government shall also present an accompanying statement indicating the corresponding curtailment of expenditure and/or augmentation of revenue to offset the fiscal impact of the supplementary estimates.

(8) The Government may assign to an independent external agency the task of carrying out the periodical review for the compliance of the provisions of this Act in the manner as may be prescribed.

Assembly Hall,  
Porvorim-Goa.  
25th February, 2014.

N. B. SUBHEDAR  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2014/2807

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th March, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Code of Criminal Procedure (Goa Amendment) Bill, 2014

(Bill No. 5 of 2014)

A

BILL

*further to amend the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as in force in the State of Goa.*

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Code of Criminal Procedure (Goa Amendment) Act, 2014.

(2) It shall come in force at once.

2. *Amendment of section 357A.*— In section 357 A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as in force in the State of Goa,—

(i) in sub-section (2), for the expression “District Legal Service Authority or the State Legal Service Authority, as the case may be”, the words “State Government” shall be substituted;

(ii) in sub-section (4), for the words “State or the District Legal Services Authority”, the words “State Government” shall be substituted;

(iii) in sub-section (5), for the words “State or the District Legal Services Authority”, the words “State Government” shall be substituted;

(iv) in sub-section (6), for the expression “State or the District Legal Services Authority, as the case may be”, the words “State Government” shall be substituted.

#### Statement of Objects and Reasons

The Bill seeks to amend section 357A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as in force, in the State of Goa (hereinafter referred to as the “said Act”) so as to enable the State Government to decide the quantum of compensation to be awarded to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation, under the scheme prepared by the State Government in terms of sub-section (1) of said section 357A of the said Act.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa. (MANOHAR PARRIKAR)  
3rd March, 2014 Chief Minister

Assembly Hall, (N. B. SUBHEDAR)  
Porvorim-Goa. Secretary to the Legislative  
3rd March, 2014 Assembly of Goa.

#### ANNEXURE

#### **Extract of Section 357A, Code of Criminal Procedure, Act, 1973 (Central Act 2 of 1974)**

357A. *Victim compensation scheme.*— (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

(3) If the trial Court, at the conclusion of the trial, is satisfied that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.



(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer-in-charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

Assembly Hall, N. B. SUBHEDAR  
Porvorim-Goa. Secretary to the Legislative  
3rd March, 2014. Assembly of Goa.

LA/LEGN/2014/2808

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th March, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Nursing Council (First Amendment) Bill, 2014

(Bill No. 6 of 2014)

A

BILL

*to amend the Goa Nursing Council Act, 2012 (Goa Act 23 of 2012).*

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Nursing Council (First Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Nursing Council Act, 2012 (Goa Act 23 of 2012),—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) “auxiliary nurse-midwife” means a person who possesses a certificate in Auxiliary Nursing Midwifery or a diploma in Auxiliary Nurse-Midwifery; or such other equivalent qualification, recognized by the Indian Nursing Council, from a recognized institution;”;

(ii) for clause (k), the following clause shall be substituted, namely:—

“(k) “nurse” means a person possessing,—

(a) a Bachelor's Degree in Nursing; or

(b) a Diploma in General Nursing and Midwifery; or

(c) a Diploma in General Nursing and such other qualification as may be recognized by the Indian Nursing Council in lieu of Midwifery; or

(d) such other equivalent qualification as may be recognized by the Indian Nursing Council,

from a recognized university/institution;”.

### Statement of Objects and Reasons

The Bill seeks to amend section 2 of the Goa Nursing Council Act, 2012 (Goa Act 23 of 2012) (hereinafter referred to as the “said Act”), so as to revise the qualifications of “auxiliary nurse-midwife” and “nurse”, specified in clauses (c) and (k), respectively, of said section 2 of said Act, for the purposes of the said Act.

This Bill seeks to achieve the above objects.

## Financial Memorandum

LA/LEGN/2014/2809

No financial implications are involved in this Bill.

## Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall, Shri LAXMIKANT PARSEKAR  
Porvorim-Goa. Minister for Health.  
Dated: 24-02-2014

Assembly Hall, Secretary to the Legislative  
Porvorim-Goa. Assembly of Goa.  
Dated: 24-02-2014.

## ANNEXURE

Bill No. 6 of 2014

**Extract of clause (c) and clause (k) of section 2 of the Goa Nursing Council Act, 2012 (Goa Act 23 of 2012)**

(c) “auxiliary nurse-midwife” means a person who possesses a certificate of auxiliary nurse-midwife, recognized by the Indian Nursing Council for practicing auxiliary nursing and auxiliary midwifery in public and private sectors and registered under section 17;

(k) “nurse” means a person who possesses requisite qualification in nursing, either Bachelor’s degree in nursing or course in nursing having at least six months duration from recognized University/Institutions;

Assembly Hall, (N. B. SUBHEDAR)  
Porvorim-Goa. Secretary to the  
Dated: 24-02-2014. Legislative Assembly of Goa.

The following bill which was introduced in the Legislative Assembly of the State of Goa on 5th March, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa (Abolition of Proprietorships, Titles and Grants of Lands) Bill, 2014**

(Bill No. 7 of 2014)

A

## BILL

*to provide for the abolition of proprietorship of lands, titles, grants of lands in the State of Goa and for matters connected therewith.*

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-fifth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—  
(1) This Act may be called the Goa (Abolition of Proprietorship, Titles and Grants of Lands) Act, 2014.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “agriculture” with its grammatical variations and cognate expressions, includes horticulture, the raising of crops or garden produce and dairy farming;

(b) “agriculture labourer” means a person whose principal means of livelihood is the income he gets as wages, in connection with the agricultural operations he performs;

(c) "appointed date" means the date on which this Act comes into force;

(d) "Code" means the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(e) "Collector" means the Collector of the District and includes an Officer appointed by the Government for the purposes of this Act;

(f) "to cultivate personally" means to cultivate any land on one's own account,-

(i) by one's own labour; or

(ii) by the labour of any member of one's family; or

(iii) by a servant on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family;

*Explanation.*— For the purpose of this clause—

(i) A widow or a minor or a person who is subject to any physical or mental disability or who is a member of the Armed Forces of the Union shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

(ii) In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;

(g) "cultivation" means the use of lands for the purpose of agriculture;

(h) "cultivating tenant" means a person who cultivates personally any land belonging to another under an Agreement, express or implied, and pays rent therefor in cash or in kind or delivers a share of the produce;

(i) "Government" means the Government of Goa;

(j) "homestead" means a dwelling house together with any courtyard, compound, garden, outhouse, place of worship, family graveyard, storehouse, library, office, guest-house, tanks, wells, privies, latrines, drains and boundary walls annexed or appertaining to such dwelling house;

(k) "land" means any land used either for purposes of agriculture or for purposes ancillary thereto including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans and includes,—

(i) benefits to arise out of such land; and

(ii) things attached to such land or permanently fixed to anything attached to such land;

(l) "mundkar" means a mundkar as defined in section 2(p) of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976);

(m) "prescribed" means prescribed by rules made under this Act;

(n) "property" includes every kind of land, title to such land and property declared as 'evacuee property';

(o) "proprietor" includes a person who holds land granted to him or any of his predecessors-in-interest by the erstwhile Portuguese Government/regime by way of gift, sale or otherwise, his co-sharers, or person having become owner of land by prescription/adverse possession;

(p) "section" means a section of this Act;

(q) "tenant" means a tenant as defined in section 2 (23) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964);

(r) "title holder" means a person or his successors in interest who were conferred or given the title by the erstwhile Portuguese Government/regime;



(s) "Tribunal" means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

3. *Abolition of proprietary and other rights.*— (1) Notwithstanding anything to the contrary contained in any Usage, Settlement, Contract, Grant, Sanad, order or any other instrument, or order, Judgement or Decree of any Court or Notification or any law for the time being in force, and save as the Alvara granted under the Decree No. 3602 dated 24-11-1917 and land granted under the Code, on and from the appointed date—

(i) all rights, title and interest of every proprietor, title-holder, grantee, in or in respect of lands held by him as such proprietor, title-holder, grantee, shall be deemed to have been extinguished and permanently cancelled;

(ii) all rights, title and interest of every proprietor, title-holder, owner, grantee, in respect of any lands held by him or his predecessors in title or his ancestors, under any of the titles conferred by erstwhile Portuguese Government/regime, or any lands held as such proprietor, title-holder, owner, grantee within the State of Goa, including those which has since been declared as "evacuee property" under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), and presently vested in the Custodian of evacuee property shall stand abolished, extinguished and permanently cancelled and all such rights, title and interest in any such proprietor, title-holder, owner, grantee to any such property/land shall stand transferred to and vest in the Government of Goa.

(iii) all such lands which are presently vested in the Custodian of Evacuee property, as a "evacuee property" under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), including properties/lands at Mayem, Bicholim, Cuncolim, Siolim or in any other

part of the State of Goa shall stand transferred to and vest in the Government of Goa free from all encumbrances, mortgage, debt, or charge of any kind whatsoever and all right, title and interest in all such property/lands shall stand transferred to and vest in the Government of Goa.

(2) Where under any agreement or contract made before the appointed date any rent or other dues for any period after the said date has been paid to or compounded or released by a proprietor, the same shall, notwithstanding such agreement or contract, be recoverable from the proprietor, title-holder or grantee; and may without prejudice to any other mode of recovery, be realized by deduction from the compensation payable to the proprietor, title-holder or grantee under this Act.

(3) All titles conferred, all grants made, extended, issued, conferred shall stand abolished and all right, title and interest in any matter, and lands, or any other property by virtue of such title or grant shall also stand abolished, and all such right, title and interest in all such land/properties shall stand transferred to and vest in the Government of Goa, free from all encumbrances of whatsoever nature; and every mortgage, debt or charge; on any such right, title and interest to any of such title or grant over any such lands by virtue of and pursuance to such title or grant, shall be a charge on the amount of compensation payable to such proprietor, title holder or grantee under this Act.

4. *Re-grant of certain lands to the proprietor or title-holder or grantee as occupant.*— (1) Immediately after the vesting of the lands in the Government of Goa under section 3, the following lands shall be deemed to have been re-granted to the proprietor or title-holder or grantee from whom they had vested in the Government of Goa and the proprietor, title-holder or grantee shall hold them from the Government of Goa as an occupant class-II under the Code, on payment to the Government land revenue as provided in section 6, namely:—

(a) Homesteads, buildings and structure together with lands appurtenant thereto in the occupation of the proprietor or title-holder or grantee, but excluding those which are in the possession of a cultivating tenant or mundkar, as the case may be;

(b) lands under the personal cultivation of the proprietor or title-holder or grantee, not being pasture or grass lands.

(2) Whosoever in contravention of the provisions of section 3 and sub-section (1) refers to himself for the said title or as a proprietor of the land or as a grantee of the land and continues to so hold out shall be punished with imprisonment for a term which may extend to three months and liable for fine of Rs. 1,00,000/- (Rupees one lakh).

5. *Collector to take charge of lands etc., vested in the Government of Goa.*— (1) The Collector shall take charge or possession of all lands and of all rights, titles and interest therein of a proprietor, title-holder or grantee vested in the Government of Goa under section 3; and for this purpose the Collector or any Officer authorised by him, may take such steps or use such force as may be necessary.

(2) Nothing in this section shall be deemed to authorise the Collector to take possession of any land of the proprietor, title-holder or grantee which may have been re-granted to him under section 4 of this Act.

6. *Liability of lands for payment of land revenue from the appointed date.*— (1) All lands, the rights, title and interest of which have vested in the Government of Goa under section 3 shall, on and from the appointed date, be liable to the payment of land revenue to the Government in accordance with the revenue survey and settlement of land revenue conducted/made for the said purpose:

Provided that until the revenue survey and settlement of land revenue of such lands are made, the land revenue payable in respect of such lands shall be,—

(i) in case where any such land is held for the purpose of cultivation by a cultivating tenant, be one-twentieth of the rent or where the rent is in kind, the cash equivalent (which shall be determined as hereinafter provided) of one-twentieth of the rent payable by the cultivating tenant to the proprietor immediately before the 20th December, 1961;

(ii) in case of any other land stated in section 4, be calculated at such rate or rates as the Collector may fix having regard to the rent payable immediately before the 20th December, 1961, for such or similar land:

Provided further that the amount of land revenue payable under the preceding proviso shall, in no case, exceed rupees twenty-five per hectare in the case of jirait land, rupees fifty per hectare in the case of paddy land and rupees seventy-five per hectare in the case of garden land.

*Explanation:—*

(i) “paddy land” means land used for the cultivation of paddy;

(ii) “garden land” means land irrigated by a well, tank, canal, river, nala or any other source of water and used for the cultivation of fruits including coconuts, arecanuts or vegetables;

(iii) “jirait land” means land other than a paddy or a garden land.

(2) For the purposes of sub-section (1), the Collector shall publish in the Official Gazette on the 1st January of each year the price of paddy or other crop which shall be adopted for determining the cash equivalent of the rent for that year.

7. *Rights of certain cultivating tenants to be restored to possession of their lands.*— (1) Any cultivating tenant who has been evicted from any land on or after 20th December, 1961, may, if the land from which he was evicted was in the possession of the proprietor, title-holder or grantee make an application to the Collector within six months from the appointed date for restoration of such land on

the ground that he was evicted from such land without any reasonable excuse.

(2) On receipt of such application or *suo motu*, the Collector or any Officer appointed by the Government in this behalf, may make such enquiry as he thinks fit.

(3) If, on such enquiry, the Collector is satisfied that such a cultivating tenant was in possession of that land on or after 20th December, 1961, and that he was evicted therefrom by the proprietor, title-holder or grantee thereof, on any ground other than the grounds specified in sub-section (4), he may order restoration of such land to the cultivating tenant, or direct the proprietor, title-holder or grantee, to pay such compensation to him as the Collector may deem appropriate in the circumstances of the case.

(4) The grounds referred to in sub-section (3) are the following:—

(a) the cultivating tenant had failed to pay rent to the proprietor;

(b) the cultivating tenant had failed to cultivate the land personally;

(c) the cultivating tenant had unlawfully sub-let the land;

(d) the cultivating tenant had done any act which was permanently injurious or destructive to the land.

8. *Rights of cultivating tenants to hold land as occupants.*— (1) Every cultivating tenant holding land (not being pasture or grass lands) of which he is in actual possession on the appointed date shall, as from that date, be the occupant thereof on payment of land revenue to the Government under section 6.

(2) Every agricultural labourer or village artisan, who, on the appointed day, is in occupation of any land for the purpose of his own dwelling house, shall, as from the appointed date, be the occupant thereof on payment of land revenue to the Government under section 6.

(3) Every person to whom any land is restored under section 7 shall hold such land

as occupant on payment of land revenue to the Government under section 6 from the date such land is ordered to be restored to him under section 7.

(4) No land granted under this Act to any cultivating tenant, shall be sold or transferred; nor shall the same be used for any purpose other than agriculture/horticulture.

9. *Occupant to cultivate land personally.*—

(1) If, at any time after the appointed date, the person who has become an occupant of any land under section 8, fails to cultivate such land personally, he shall, unless the Collector condones such failure for sufficient reasons, be evicted from the land which he has failed to cultivate personally.

(2) The provisions of sub-section (1) shall apply to the heirs and successors-in-title of the person referred to in sub-section (1).

10. *Transfer of land barred.*— (1) No sale (including sales in execution of a Decree of a Civil Court or for recovery of arrears of land revenue), gift, exchange or lease or assignment or arrangement or mortgage of any land in respect of which any person has become an occupant under sections 4 and 8, shall be made, except with the previous permission in writing of the Government, which may grant such permission in such circumstances and subject to such conditions as may be prescribed:

Provided that no such permission for sale shall be granted if the person in whose favour sale is made is other than an agriculturist in/ from the State of Goa.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for an occupant to mortgage or create a charge on any land referred to in sub-section (1) in favour of the Government or a Co-operative Society or the State Bank of India or any other Scheduled Bank in consideration of a loan advanced to him by the Government or the Co-operative Society or the State Bank of India or the Scheduled Bank, as the case may be, for improvement of the land for agricultural purposes only.

11. *Forfeiture of land transferred in contravention of section 10.*— (1) Where in respect of the transfer of any land, the Collector *suo motu* or on the application of any person interested in such land has reason to believe that such transfer is in contravention of section 10, he shall issue a Notice to the transferor and the transferee to show cause as to why the transfer should not be declared to be in contravention of section 10, and shall hold an inquiry and decide whether the transfer is in contravention of section 10 or not.

(2) If after holding such inquiry the Collector declares the transfer to be in contravention of section 10, the land in respect of which such contravention has taken place shall be deemed to be forfeited to the Government without the payment of any compensation.

(3) Notwithstanding anything contained in sub-sections (1) and (2) hereinabove, all transfers made in contravention of section 10, shall be void *ab initio*.

12. *Declaration of conferment of Occupancy Rights.*— (1) As soon as may be after the appointed date, the Collector shall publish or cause to be published in the prescribed manner a Provisional Declaration in the prescribed form giving the names of the proprietors and the particulars of the lands which are deemed to have been re-granted to them under section 4; and also the names of cultivating tenants and the particulars of lands in respect of which they are to become occupants under section 8. The Declaration shall also call upon all persons interested in the lands specified in the Declaration to submit to him the objections to the said Provisional Declarations, within two months from the date of publication of the said Declaration.

(2) The Collector shall consider the objections received by him under sub-section (1) and shall make an order disposing off each individual objection.

(3) Any person aggrieved by such an order may, within a period of thirty days from the date of such order, file an appeal to the

Tribunal. The Tribunal shall dispose off such an appeal after giving the parties concerned an opportunity of being heard.

(4) The Declaration issued under sub-section (1) as modified by the orders if any, passed by the Collector, or where an appeal has been filed, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of occupancy rights in respect of any land under section 4 or section 8.

13. *Compensation to Proprietors.*— A proprietor or a grantee of land whose rights, title and interest in respect of his lands vest in the Government under section 3, shall be entitled to payment of compensation in respect of the lands which have vested in the Government and have not been re-granted to him under section 4, at the rate of twenty times the annual payment (*Contribuição Predial*) which the proprietor or grantee was liable to make to the erstwhile Portuguese Government/regime in respect thereof immediately before 20th December, 1961.

14. *Method of payment of compensation.*— (1) Any person entitled to compensation under section 13 shall, on or before such date as the Government may specify in this behalf from time-to-time by a Notification in the Official Gazette, make an application to the Collector in the prescribed form for payment of such compensation.

(2) On receipt of an application under sub-section (1), the Collector shall, after making such inquiry as he thinks fit, determine the amount of compensation payable to such person:

Provided that where there are more than one person entitled to such compensation, the Collector shall apportion the compensation among them:

Provided further that in cases of disputes regarding the apportionment of compensation among the persons entitled to the



compensation, the Collector shall direct them to have their respective shares adjudicated upon by a competent Civil Court and the payment of compensation shall be in accordance with such adjudication thereof.

15. *Payment of compensation.*— The compensation determined under section 14 shall, after deducting therefrom the dues, if any, referred to in section 3 and sub-section (6) of section 26, be paid in cash to the person or persons to whom it is payable; but if any such person refuses to accept payment, the amount payable to him shall be deposited by the Collector in a competent District Court.

16. *Proprietors to deliver records to Collector and Authorised Officers.*— (1) Whenever Collector or any Officer authorised by the Collector in this behalf so directs, a proprietor or grantee shall deliver to him or such other Officer as may be specified in the direction, the records relating to the lands or village or villages held by him as the proprietor.

(2) If a proprietor or grantee fails without reasonable cause to deliver any such records, he shall, be punished with a fine which may extend to two thousand rupees and in case of a continuing failure to deliver any such records, the proprietor shall be punished with an additional fine which may extend to two hundred rupees for every day during which such failure continues after conviction for the first such failure.

17. *Duties and functions of the Collector.*— For the purpose of this Act, the following shall be the duties and functions to be performed by the Collector, namely:—

(a) to decide whether a person is a proprietor, grantee or title-holder;

(b) to decide whether a person is an agricultural labourer;

(c) to decide whether a person is a cultivating tenant;

(d) to decide the amount of rent recoverable from the proprietor under section 3;

(e) to decide the homesteads, buildings and structures together with land appurtenant thereto and the lands under personal cultivation which are deemed to be re-granted to the proprietor under section 4;

(f) to determine the land in respect of which occupancy rights are conferred under section 8 and the person on whom they are conferred;

(g) to take measures for restoration of land to the cultivating tenant under section 7 and to recover compensation from the proprietor payable by him under sub-section (3) of that section; and

(h) to decide such other matters as may be referred to him by or under this Act;

(i) to carry out the directions and orders of the Government.

18. *Commencement of Proceedings.*— Except as expressly provided by or under this Act, all inquiries and other proceedings before the Collector shall be commenced by an application which shall contain the following particulars, namely:—

(a) the name, age, profession and place of residence of the applicant and the opponent;

(b) a short description of the matter about which dispute has taken place or the amount of claim, as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of documents, if any, and of the applicant's witnesses and the information as to whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of hearing; and

(e) such other particulars as may be prescribed.

19. *Procedure.*— (1) In all inquiries and proceedings under this Act, the Collector



shall exercise the same powers as that of the Mamlatdar under the Mamlatdar's Court Act, 1966 (Act No. 9 of 1966) (hereinafter, in this section, referred to as the "said Act") and shall (except as provided in sub-section (3) of section 7 and section 11) follow the provisions of the said Act.

(2) In regard to any matter which is not provided in the said Act, the Collector shall follow the procedure as may be prescribed.

(3) Every decision of the Collector shall be recorded in the form of an order and shall state the reasons for such a decision.

(4) An appeal against any order of the Collector shall be filed within thirty days from the date of that order to the Tribunal.

20. *Bar of jurisdiction.*— (1) No Civil Court shall have jurisdiction to entertain, try, settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Collector or by the Tribunal in appeal.

(2) No order of the Collector or the Tribunal made under this Act shall be questioned in any Civil or Criminal Court.

21. *Protection of action taken under this Act.*— (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

22. *Power to remove difficulty.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provisions (not

inconsistent with this Act) as appear to it to be necessary or expedient for removing the difficulty.

(2) An order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed date:

Provided that no order under this section shall be made after the expiration of three years from the appointed date.

23. *Power to make Rules.*— (1) The Government may, by a Notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, while it is in session for a total period of 30 days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modifications in the rule; or the Legislative Assembly agrees that the rule should not be made and notifies such a decision in the Official Gazette, the rule shall, from the date of publication of such a notification, have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or permitted to be done under that rule.

24. *Power of the Government to issue directions.*— For purpose of giving effect to the provisions of this Act and not otherwise, the Government shall have power to call for the records of any case pending before the Collector or any Officer subordinate to him or before any person or Authority under this Act; and after having examined the validity, legality and propriety of such an act, order or decision, may quash and set aside the same or issue such directions and orders as may be necessary in the interest of justice; but only after having heard all the parties who are likely to be affected by such an act, order or decision.

25. *Offences.*— (1) Whosoever contravenes the provisions of sub-section (4) of section 8 shall be deemed to have committed offence under this Act and shall be punished with imprisonment for a term which may extend to three months and with a fine of Rs. 1,00,000/- (Rupees one lakh).

(2) An offence under this Act shall be triable by the Sessions Court of the District.

26. *Miscellaneous.*— (1) Notwithstanding anything contained in any other law, rule, Act, Decree, order or Judgement of the Court, the provisions of this Act shall apply to every grant made by the erstwhile Portuguese Government/regime, every title conferred or declared by the erstwhile Portuguese Government/regime by whatever name called; and every proprietorship of any kind whatsoever, granted by the erstwhile Portuguese Government/regime by any mode whatsoever, all of which shall stand abolished and be of no effect.

(2) On and from the date of coming into force of this Act, no person shall be entitled to claim, hold out, declare, use or even maintain any such title, grant or proprietorship to the land/property of the person as the case may be.

(3) For the purpose of avoidance of doubts, it is clarified that all grants or titles granted or given in grant by the erstwhile Portuguese Government/regime who enjoyed the Title of Visconde, Conde, Marquez, etc., in all and whichever villages of Goa; and all such properties given by grant or by conferring proprietorship rights, shall stand abolished, permanently cancelled, extinguished; and all such right, title, interest in such titles, grants and proprietorships shall stand transferred to and vest in the Government.

(4) Wherever any such property under a title or grant is declared as an evacuee property and entrusted to the Custodian of evacuee property under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act 6 of 1964), all such claims of compensation shall be routed through the Custodian.

(5) The compensation payable to such a proprietor, grantee or title-holder declared as an evacuee or as the case may be, in case of properties entrusted to the Custodian, the same shall be paid and deposited with the Custodian.

(6) It is further declared that compensation determined under this Act shall be paid after deducting therefrom, the dues if any, including any Cess, Taxes, Penalties, Outstandings, etc., and compensation shall be allowed only to the landed properties or the right, title and interest in respect of lands only.

(7) Wherever a claim of Mundkarship or Tenancy has been made in terms of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) or Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), then such compensation for such areas or part thereof shall be paid to the respective Mundkar or Tenant as the case may be, and no proprietor or any grantee will be entitled to any compensation amount in respect of the said area.

#### Statement of Objects and Reasons

It is considered expedient that proprietorship rights held by few proprietors from the former Portuguese Government/regime should be abolished and lands which are under the personal cultivation of these proprietors or on which they have built their houses, should be re-granted to them on occupancy basis. Similarly, lands which are cultivated by tenants should be re-granted to them on occupancy basis. Uncultivated lands, pasture lands or grass lands will vest in the Government so that the Government will be in a position to put such uncultivated land to more fruitful use, etc. The Bill seeks to bring about this land reform.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

The Bill seeks to allow compensation to the person whose property rights have been abolish but are not re-granted to them. However, exact compensation payable therefor cannot be qualified at this stage.

### Memorandum Regarding Delegated Legislation

Clause 10 of the Bill seeks to empower the Government to prescribe the circumstances in which and the conditions subject to which permission for sale, gift etc., of land shall be made.

Clause 12 of the Bill seeks to empower the Government to prescribe the form in which a provisional declaration shall be published by the Collector and the manner of publication of such form.

Clause 14 of the Bill seeks to empower the Government to prescribe the form in which an application to be made for compensation to the Collector.

Clause 18 of the Bill seeks to empower the Government to prescribe other particulars which shall be contained in the application.

Clause 19 of the Bill seeks to empower the Government to prescribe the procedure which the Collector should follow in the inquires and proceedings under the Act.

These delegations are of normal character.

Porvorim-Goa.  
3rd March, 2014.

MANOHAR PARRIKAR  
Minister for Home/  
/Chief Minister.

Assembly Hall,  
Porvorim-Goa.  
3rd March, 2014.

N. B. SUBHEDAR  
Secretary to the Legislative  
Assembly of Goa.

### Governor's Recommendation under 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Bill, 2014 by the Legislative Assembly of Goa.

Raj Bhavan,  
Dona Paula.  
3rd March, 2014.

BHARAT VIR WANCHOO,  
Governor of Goa.

### Department of Information & Publicity

#### Order

DIP/ADMN/GSIC/2014/6469

Sanction of the Government is hereby conveyed to re-designate the following posts created for the functioning of the Goa State Information Commission constituted under the Right to Information Act, 2005.

Sr. No.	Name of the post	Pay Band+GP	No. of posts	Re-designated as
1.	Stenographer Gr-I	Rs. 9300-34800+4200	03	Sr. Stenographer
2.	Stenographer Gr-II	Rs. 5200-20200+2400	01	Jr. Stenographer
3.	Stenographer	Rs. 5200-20200+2400	01	Jr. Stenographer
4.	Assistant	Rs. 5200-20200+2400	01	Upper Division Clerk (UDC)
5.	LDC-cum-Data Entry Operator	Rs. 5200-20200+1900	03	Lower Division Clerk (LDC)
<b>Total</b>			<b>09</b>	

The expenditure in respect of the posts at Sr. Nos. 1 to 5 shall be debited to the Budget Head: Demand No. 56: 2220—Information & Publicity; 01—Films; 001—Direction and Administration; 03—Goa State Information Commission (Plan); 31—Grant in Aid.

This issues with the approval of Secretary (Inf. & Publicity) vide Entry No. 1050/F dated 18-12-2013 and the Secretary (ARD) vide Entry No. 331/F dated 20-2-2014.

By order and in the name of the Governor of Goa.

*Sandip Jacques*, Director & ex officio Additional Secretary (Information & Publicity).

Panaji, 4th March, 2014.

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**Department of Law & Judiciary**

Law (Establishment) Division

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**Addendum**

SS(Law)/AG/2007/561

Read: Order No. SS(LAW)/AG/2007/543 dated 8-4-2013.

In partial modification of Office Order referred to hereinabove, the Government of Goa is pleased to amend Sr. No. (3) Column Nos. 1 and 2 as under w.e.f. 1-4-2012:—

Particulars	Fees of Ld. Advocate General of Goa w.e.f. 1-4-2012
1	2
3. In the second line after the words court, "appear before a Court/Tribunal/Authority/ or any other body outside the State of Goa," shall be inserted.	In the fifth line after the words Civil Applications, "a Court/Tribunal/Authority or any other body," shall be inserted.

This issues with the concurrence of Finance (Exp.) Department vide their U. O. No. 1476362/F dated 22-1-2014 and the approval of the Council of Minister's taken in its LVIIth meeting held on 19-2-2014.

The rest of the contents of the said order shall remain unchanged.

By order and in the name of the Governor of Goa.

*Vasanti H. Parvatkar*, Under Secretary (Law-Estt.)

Porvorim, 3rd March, 2014.

**Department of Personnel**

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**Notification**

RRs/MISC/2013-PER

- Read: (1) Government Notification No. RRs/ /MISC/2003-PER(PFI.) dated 13-8-2009, published in the Official Gazette, Series I No. 22 dated 27-8-2009;
- (2) Government Notification No. RRs/ /MISC/2003-PER(PFI.) dated 25-6-2010, published in the Official Gazette, Series I No. 15 dated 8-7-2010;
- (3) Government Notification No. RRs/ /MISC/2003-PER(PFI.) dated 26-9-2012, published in the Official Gazette, Series I No. 27 dated 4-10-2012;
- (4) Government Notification No. RRs/ /MISC/2013-PER dated 5-7-2013, published in the Official Gazette, Series I No. 16 dated 18-7-2013; and
- (5) Government Notification No. RRs/ /MISC/2003-PER(PFI.) dated 3-1-2014, published in the Official Gazette, Series I No. 41 dated 9-1-2014;

In exercise of the powers conferred by Article 318 of the Constitution of India, the Governor of Goa hereby makes the following Regulations, so as to further amend the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988, namely:—

1. *Short title and commencement.*— (1) These regulations may be called the Goa Public Service Commission (Members and Staff) (Conditions of Service) (Seventeenth Amendment) Regulations, 2014.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of regulation 30A.*— In regulation 30A of the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988, in the Schedule, against serial No. 13, in column (2), for the

words “Electronic Data Processing-cum-Research Officer”, the words “Technical Officer (Computer)” shall be substituted.

By order and in the name of the Governor of Goa.

*Yetindra M. Maralkar*, Additional Secretary (Personnel).

Porvorim, 26th February, 2014.



## Government Printing Press

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